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PHILIPS INTELLECTUAL PROPERTY & STANDARDS			PACHURA, REBECCA L	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/528,678	<b>Applicant(s)</b> BELL, DAVID A.
	<b>Examiner</b> Rebecca L. Pachura	<b>Art Unit</b> 2136

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 21 March 2005.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 21 March 2005 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-166/08)  
 Paper No./Mail Date 09/01/2005
- 4) Interview Summary (PTO-413)  
 Paper No./Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_

***DETAILED ACTION***

**1. Claims 1-20 are presented for examination.**

The claims and only the claims form the metes and bounds of the invention. "Office personnel are to give claims their broadest reasonable interpretation in light of the supporting disclosure. In re Morris, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the claim are not read into the claim. In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969)" (MPEP p 2100-8, c 2, 145-48; p 2100-9, c 1, 11-4). The Examiner has full latitude to interpret each claim in the broadest reasonable sense. The Examiner will reference prior art using terminology familiar to one of ordinary skill in the art. Such an approach is broad in concept and can be either explicit or implicit in meaning.

***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on 09/01/2005 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

***Priority***

3. The claim for foreign priority from #0222113.3 GB filed on September 24, 2002 is duly noted.

***Specification***

4. The abstract of the disclosure does not commence on a separate sheet in accordance with 37 CFR 1.52(b)(4). A new abstract of the disclosure is required and must be presented on a separate sheet, apart from any other text.

The abstract of the disclosure is objected to because there are inappropriate numbers in the text. Correction is required. See MPEP § 608.01(b).

***Claim Objections***

5. Claims 1-6, 8-10, 14-18 are objected to because of the following informalities: claims 2 and 5, line 2 and claim 10, line 16 states “candidate persons” it should state “the candidate persons”; claims 16-18, line 1 state “A method” it should state “The method”. Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6038333 (Wang) (Applicant’s IDS, EP 944019A2), in view of US 6035055 (Wang2), and in view of US 5760917 (Sheridan).**

**As to claim 1,** Wang discloses apparatus (10, 110, 210) for obtaining personal information related to a target person, comprising: an image acquisition device (12, 22, 32, 112, 122, 132, 212) for capturing an image of a target person; a database of stored image data items (15, 25, 35, 115, 125, 135) each relating to one of a plurality of candidate persons, each image data item being associated with stored personal data (16, 26, 36, 116, 126, 136) relating to the respective candidate person; a search engine (18, 28, 38, 253) for matching the captured image of

the target person to a candidate person image data item and retrieving the personal data relating thereto; an output device (14, 24, 34, 114, 124, 134) for presenting, to a user, the personal data relating to the target person (Wang column 2, lines 20-55 and column 3, lines 53-55). Wang fails to teach and control means (17, 27, 37, 117, 127, 137), operable by each candidate person, to control third party access to the stored personal data (16, 26, 36, 116, 126, 136) relating to the candidate person.

However, Sheridan discloses and control means (17, 27, 37, 117, 127, 137), operable by each candidate person, to control third party access to the stored personal data (16, 26, 36, 116, 126, 136) relating to the candidate person (Sheridan column 2, lines 45-52).

It would be obvious to one of ordinary skill in the art at the time of the applicant's invention to combine Wang and Sheridan because to allow the candidate person to have control over who has access to their personal information will increase the chances that their identity will not be stolen, that they would not receive unwanted solicitation, etc (Sheridan column 2, lines 45-52).

**As to claim 2,** the modified Wang discloses the apparatus of claim 1. The modified Wang fails to teach in which the database is a distributed database, candidate persons each having a portable device (11, 21, 31) for storing their own image data items (15, 25, 35) and personal data (16, 26, 36) which may be accessed by the search engine using a wireless communication channel (40, 41).

However, Sheridan discloses in which the database is a distributed database, candidate persons each having a portable device (11, 21, 31) for storing their own image data items (15, 25,

35) and personal data (16, 26, 36) which may be accessed by the search engine using a wireless communication channel (40, 41) (Sheridan column 3, lines 42-50 and column 9, lines 1-8).

It would be obvious to one of ordinary skill in the art at the time of the applicant's invention to combine Wang and Sheridan because having a distributed database would increase the potential size of the data items stored (Sheridan column 3, lines 42-50 and column 9, lines 1-8).

**As to claim 3,** the modified Wang discloses the apparatus of claim 2. The modified Wang fails to teach in which the control means (17, 27, 37) comprises an access control function provided on each portable device (11, 21, 31).

However, Sheridan discloses in which the control means (17, 27, 37) comprises an access control function provided on each portable device (11, 21, 31) (Sheridan column 2, lines 24-30).

It would be obvious to one of ordinary skill in the art at the time of the applicant's invention to combine Wang and Sheridan because the portable device can be searched by a search engine having an access control means on each device would allow the candidate person to have control over who has access to their personal information and will increase the chances that their identity will not be stolen, that they would not receive unwanted solicitation, etc (Sheridan column 2, lines 24-30).

**As to claim 4,** the modified Wang discloses the apparatus of claim 1. The modified Wang fails to teach in which the database includes a central repository (105, 205) accessible to a plurality of remote portable devices (111, 121, 131, 211, 221, 231) using a wireless communication channel (140, 141, 142, 240, 241, 242).

However, Wang2 discloses in which the database includes a central repository (105, 205) accessible to a plurality of remote portable devices (111, 121, 131, 211, 221, 231) using a wireless communication channel (140, 141, 142, 240, 241, 242) (Wang2 column 5, lines 7-14).

It would be obvious to one of ordinary skill in the art at the time of the applicant's invention to combine Wang and Wang2 because the speed for accessing the data in the database is greatly increased when it is centralized.

**As to claim 5,** the modified Wang discloses the apparatus of claim 4. The modified Wang fails to teach in which the control means is a distributed control means (117, 127, 137), candidate persons each having a device (111, 121, 131) for storing their own image data items (115, 125, 135) and personal data (116, 126, 136) onto the database and determining third party access rights thereto.

However, Sheridan discloses in which the control means is a distributed control means (117, 127, 137), candidate persons each having a device (111, 121, 131) for storing their own image data items (115, 125, 135) and personal data (116, 126, 136) onto the database and determining third party access rights thereto (Sheridan column 2, lines 59-65).

It would be obvious to one of ordinary skill in the art at the time of the applicant's invention to combine Wang and Sheridan because having the control means distributed would further enhance the security of the personal data by keeping access control on data that was not on the portable device (Sheridan column 2, lines 59-65).

**As to claim 6,** the modified Wang discloses a portable electronic device comprising the image acquisition device (12, 112, 212), output device (14, 24, 34, 114, 124, 134) and control

means (17, 27, 37, 117, 127, 137) of claim 1 integrated into said portable electronic device (11, 21, 31, 111, 121, 131) (Wang column 8, lines 6-18).

**As to claim 7,** the modified Wang discloses the apparatus of claim 6 in which the portable electronic device is any of a personal digital assistant, personal computer or mobile telephony device (Wang column 4, lines 1-10).

**As to claim 8,** the modified Wang discloses the apparatus of claim 6 or claim 7. The modified Wang fails to teach in which the portable electronic device further includes communication means (13, 23, 33, 113, 123, 133) for communication with a remotely located database (25, 26, 35, 36, 105, 205) and the search engine (253).

However, Wang2 discloses in which the portable electronic device further includes communication means (13, 23, 33, 113, 123, 133) for communication with a remotely located database (25, 26, 35, 36, 105, 205) and the search engine (253) (Wang2 column 5, lines 7-31).

It would be obvious to one of ordinary skill in the art at the time of the applicant's invention to combine Wang and Wang2 because to allow the portable electronic device to communicate with the remote database would increase the number of images from which a comparison can be made (Wang2 column 5, lines 7-31).

**As to claim 9,** the modified Wang discloses the apparatus of claim 1 in which the output device is a display device (14, 24, 34, 114, 124, 134) for displaying the personal data relating to the target person (Wang column 8, lines 19-31).

**As to claim 10,** Wang discloses a portable device (11, 21, 31, 111, 121, 131, 211, 221, 231) for obtaining personal information related to a target person, comprising: an image acquisition device (12, 22, 32, 112, 122, 132, 212) for capturing an image of a target person;

means (13, 23, 33, 113, 123, 133) for accessing a remote database of stored image data items (15, 25, 35, 115, 125, 135) each of relating to one of a plurality of candidate persons, each image data item being associated with personal data (16, 26, 36, 116, 126, 136) relating to the respective candidate person; means for retrieving the personal data relating to a candidate person for which the captured image data of the target person matches the stored image data item of the candidate person; an output device (14, 24, 34, 114, 124, 134) for presenting, to a user, the retrieved personal data relating to the target person (Wang column 2, lines 20-55 and column 3, lines 53-55). Wang fails to teach and control means (17, 27, 37, 117, 127, 137) to control third party access to the database of personal data relating to a candidate person.

However, Sheridan discloses and control means (17, 27, 37, 117, 127, 137) to control third party access to the database of personal data relating to a candidate person (Sheridan column 2, lines 45-52).

It would be obvious to one of ordinary skill in the art at the time of the applicant's invention to combine Wang and Sheridan because to allow the candidate person to have control over who has access to their personal information will increase the chances that their identity will not be stolen, that they would not receive unwanted solicitation, etc (Sheridan column 2, lines 45-52).

**As to claim 11,** the modified Wang discloses the portable device of claim 10. The modified Wang fails to teach in which the means for accessing and the means for retrieving include a wireless communication device.

However, Sheridan discloses in which the means for accessing and the means for retrieving include a wireless communication device (Sheridan column 3, lines 38-50).

It would be obvious to one of ordinary skill in the art at the time of the applicant's invention to combine Wang and Sheridan because allowing the portable device to be wireless would increase the ability of the portable device to access more databases (Sheridan column 3, lines 38-50).

**As to claim 12,** the modified Wang discloses a personal digital assistant, personal computer or mobile telephony device having integrated therein the portable device of claim 10 (Wang column 4, lines 1-10).

**As to claim 13,** the modified Wang discloses the portable device of claim 11. The modified Wang fails to teach in which the wireless communication device is adapted to communicate with a plurality of corresponding devices, the corresponding devices together forming the remote database.

However, Sheridan discloses in which the wireless communication device is adapted to communicate with a plurality of corresponding devices, the corresponding devices together forming the remote database (Sheridan column 3, lines 42-50 and column 9, lines 1-8).

It would be obvious to one of ordinary skill in the art at the time of the applicant's invention to combine Wang and Sheridan because having a distributed database would increase the potential size of the data items stored (Sheridan column 3, lines 42-50 and column 9, lines 1-8).

**As to claim 14,** Wang discloses a system for providing personal information related to a target person, comprising: a database of stored image data items (15, 25, 35, 115, 125, 135) each relating to one of a plurality of candidate persons, each image data item being associated with personal data (16, 26, 36, 116, 126, 136) relating to the respective candidate person; means for

receiving, from a remote image acquisition device, a captured image of a target person; a search engine (18, 28, 38, 253) for matching the captured image of the target person to a candidate person image data item and retrieving the personal data relating thereto; means for transmitting, to a remote output device (14, 24, 34, 114, 124, 134), the personal data relating to the target person (Wang column 2, lines 20-55 and column 3, lines 53-55). Wang fails to teach and control means (17, 27, 37, 117, 127, 137), operable by each candidate person, to control third party access to the stored personal data relating to the candidate person.

However, Sheridan discloses and control means (17, 27, 37, 117, 127, 137), operable by each candidate person, to control third party access to the stored personal data relating to the candidate person. (Sheridan column 2, lines 45-52).

It would be obvious to one of ordinary skill in the art at the time of the applicant's invention to combine Wang and Sheridan because to allow the candidate person to have control over who has access to their personal information will increase the chances that their identity will not be stolen, that they would not receive unwanted solicitation, etc (Sheridan column 2, lines 45-52).

**As to claim 15,** Wang discloses a method of obtaining information related to a target person, comprising the steps of: capturing an image of a target person; supplying image data from the captured image to a database of stored image data items (15, 25, 35, 115, 125, 135) each relating to one of a plurality of candidate persons, each image data item being associated with personal data (16, 26, 36, 116, 126, 136) relating to the respective candidate person; searching the database to match the captured image of the target person with a candidate person image data item and retrieving the personal data relating thereto; outputting the personal data

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relating to the target person (Wang column 2, lines 20-55 and column 3, lines 53-55). Wang fails to teach and maintaining the database by enabling control, by each candidate person, of third party access to the personal data relating to that candidate person.

However, Sheridan discloses and maintaining the database by enabling control, by each candidate person, of third party access to the personal data relating to that candidate person. (Sheridan column 2, lines 45-52).

It would be obvious to one of ordinary skill in the art at the time of the applicant's invention to combine Wang and Sheridan because to allow the candidate person to have control over who has access to their personal information will increase the chances that their identity will not be stolen, that they would not receive unwanted solicitation, etc (Sheridan column 2, lines 45-52).

*Claim Rejections - 35 USC § 103*

7. **Claims 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6038333 (Wang) (Applicant's IDS, EP 944019A2) in view of US 5760917 (Sheridan), as applied to claim 15 above, and further in view of US 6990587 (Willins).**

**As to claim 16,** the modified Wang discloses a method according to claim 15. The modified Wang fails to teach and further comprising of the step of attaching a digital signature to said supplied image data.

However, Willins discloses and further comprising of the step of attaching a digital signature to said supplied image data (Willins column 7, lines 4-24).

It would be obvious to one of ordinary skill in the art at the time of the applicant's invention to combine Wang and Willins because adding a digital signature or encrypting the data increases the security of the data (Willins column 7, lines 4-24).

**As to claim 17,** the modified Wang discloses a method according to claim 16. The modified Wang fails to teach wherein the step of outputting the personal data will not occur unless the attached digital signature is established to be valid and authentic.

However, Willins discloses wherein the step of outputting the personal data will not occur unless the attached digital signature is established to be valid and authentic (Willins column 7, lines 25-37).

It would be obvious to one of ordinary skill in the art at the time of the applicant's invention to combine Wang and Willins because to require that the signature be valid ensures that the data is coming from the right place (Willins column 7, lines 25-37).

**As to claim 18,** the modified Wang discloses a method according to claim 15. The modified Wang fails to teach wherein said step of outputting personal data involves outputting encrypted personal data.

However, Willins discloses wherein said step of outputting personal data involves outputting encrypted personal data (Willins column 5, lines 48-67).

It would be obvious to one of ordinary skill in the art at the time of the applicant's invention to combine Wang and Willins because keeping the data encrypted during transmission increases the security of the transaction (Willins column 5, lines 48-67).

**As to claim 19,** the modified Wang discloses a computer program product, comprising a computer readable medium having thereon computer program code means adapted, when said

program is loaded onto a computing apparatus, to make the computing apparatus form the device of any one of claims 10 to 13 (Wang column 4, lines 1-10).

**As to claim 20,** the modified Wang discloses a computer program, distributable by electronic data transmission, comprising computer program code means adapted, when said program is loaded onto a computing apparatus, to make the computing apparatus form the device of any one of claims 10 to 13 (Wang column 4, lines 1-10).

***Prior Art***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US 5825871 is pertinent because it teaches...An information storage device for storing and outputting personal identification information. The storage device includes memory and a controller. The memory stores personal identification information and memory access control information. The memory access control information includes a first set of tones. The controller includes an input device, an output device, and a microprocessor. The microprocessor causes the output device to output the stored personal identification information in response to the input device receiving a series of tones corresponding to the first set of tones of the memory access control information. The personal identification information can include biometric identification information. In one embodiment, a security system utilizes a plurality of information storage devices for controlling unauthorized access to a resource. US 5991429 is pertinent because it teaches... A method and apparatus for identifying individuals for the purposes of determining clearance access or surveillance is characterized by enrolling an image of a person's face either voluntarily or secretly to be later used for comparison when the person

voluntarily desires clearance or is covertly detected. US 20040148290 is pertinent because it teaches... Records in a public data set are related by a logical link to records in a private data set. The public data set may be generally read whereas the private table has restricted access. Authorization to view private data records is provided by keys or coded Web URLs. In one embodiment, an application accesses the data on behalf of the viewer and undertakes the use requested of the data without revealing the contents of the record to the viewer. US 6819219 is pertinent because it teaches... Smart cards systems that are utilized in biometric authentication are slow in processing and have the cards themselves have the added disadvantage of being misplaced or lost. Moreover, storing biometric data (on a database) over a network poses security issues that in extreme instances can be compromised. Significant security can be achieved if the biometric templates are stored locally in a portable device. A user can use the portable device to either transmit wirelessly the stored biometric for authentication purposes, or a user can locally measure a biometric using the portable device and match it against a biometric which is also stored locally (in the portable device).

### ***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rebecca L. Pachura whose telephone number is (571) 270-3402. The examiner can normally be reached on Monday-Thursday 7:30 am-6:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser Moazzami can be reached on (571) 272-4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Rebecca L Pachura/  
Examiner, Art Unit 2136

/Brandon S Hoffman/  
Primary Examiner, Art Unit 2136